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June 23, 2024

REF:

WRITER'S DIRECT CONTACT:

BY ECF

Hon. Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Jennifer Crespo, et al., v. City of New York, et al.*, 22 Civ. 2693 (BMC)

Your Honor:

My firm represents plaintiffs Jennifer Crespo, Amy Crespo, Mayra Crespo, and Angel Crespo in this action. This letter is jointly submitted on behalf of plaintiffs and defendants in response to this Court's May 11, 2022 Order (Dkt. No. 6) directing the parties to submit a letter addressing the following topics in advance of the Initial Pretrial Conference scheduled for June 24, 2022 at 10:30 a.m.:

1. Brief factual description of the case including factual, jurisdictional, and legal bases for the claims and defenses:

Plaintiffs:

Plaintiffs allege, *inter alia*, that defendants unlawfully entered their home without a warrant, plaintiffs' consent, or any other legal justification to arrest plaintiff Angel Crespo. When plaintiffs Jennifer, Amy, and Mayra Crespo protested a police officer's unreasonable threat of use of physical force against Angel, defendants retaliated by accosting plaintiffs and using excessive and unnecessary force against them, causing physical injury to Angel and Mayra Crespo. Defendants then fabricated evidence to justify their unlawful actions and to further retaliate against plaintiffs by causing Jennifer and Amy Crespo to be falsely arrested and maliciously prosecuted. All charges against plaintiffs were eventually dismissed and/or sealed.

Plaintiffs have brought this action pursuant to 42 U.S.C. § 1983, New York State law, and the New York State Constitution to recover damages for violations of their civil rights by the police officer defendants.

Plaintiffs assert that jurisdiction is conferred upon this Court by 28 U.S.C. § 1331 and 1343(3) and (4) as this action seeks redress for the violation of plaintiffs' constitutional and civil rights. Plaintiffs also invoke this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1367(a) over plaintiffs' related state constitutional and common law claims. Plaintiff asserts that venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2), as the United States Eastern District of New York is the judicial district in which the events giving rise to plaintiff's claim took place.

Defendants:

Defendant City of New York does not contest the Court's jurisdiction and agree that the Eastern District of New York is the appropriate venue. Defendant further states that it is continuing to investigate the allegations contained in the Complaint and will assert such appropriate defenses in its anticipated Answer to the Complaint.

2. Contemplated motions:

Plaintiffs do not presently contemplate any motions.

Defendant City of New York anticipates filing a partial motion for summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, after the close of discovery.

3. Case Management Plan

The parties will submit a case management plan pending the Court's resolution of defendants' request for an extension of time to respond to plaintiffs' complaint (Dkt. No. 15), which will be addressed at the June 24, 2022 conference (*see* June 23, 2022 Order at Point 2).

* * *

The parties thank for Court for its attention to this matter

Respectfully submitted,

/s/Marc A. Cannan
Marc A. Cannan

cc: Mostafa Khairy, Esq., *Attorney for Defendant City of New York* (via ECF)